

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

BIG RIVERS ELECTRIC CORPORATION'S)	
NOTICE OF CHANGES IN ITS RATES FOR)	CASE NO. 9163
ELECTRICITY SOLD TO MEMBER COOPERATIVES)	

O R D E R

On February 12, 1985, National Southwire Aluminum Company ("NSA") filed a motion and supporting memorandum for an Order protecting the confidentiality of the prepared testimony and cross-examination of three witnesses, Howard Pifer, Gary Satterwhite and Kenneth T. Wise. NSA alleges that while the proffered testimony contains facts which are crucial to the Commission's proper understanding of the pending matters, said testimony contains highly sensitive and proprietary business information with respect to the costs, technical plans and capital expenditures of NSA. NSA claims that the public disclosure of this information would place it at a competitive disadvantage.

On February 21, 1985, Big Rivers Electric Corporation ("Big Rivers") filed an objection to NSA's motion for a protective Order on the grounds that the requested Order is overbroad in forbidding access to data by Big Rivers' principal officers and forbidding access to many pages of testimony not containing any

confidential or proprietary information. Alcan Aluminum Corporation and ARCO Metals Company ("Alcan") filed a response on February 21, 1985, in opposition to NSA's motion on the same grounds that Big Rivers relies upon.

On February 21, 1985, NSA tendered an Agreed Order whereby Big Rivers' objections would be satisfied by limiting the protective Order to specified portions of the proffered testimony and authorizing specified officers of Big Rivers access to the confidential testimony. On March 7, 1985, Alcan and NSA orally advised the Commission that Alcan's objection had been satisfied by authorizing Alcan's general counsel to access the confidential testimony.

Based on the motion for a protective Order, the objections thereto, the tendered Order and the verbal agreements, the Commission is of the opinion and hereby finds that NSA's tendered Order, modified to accommodate Alcan, is reasonably calculated to both protect the confidentiality of its proffered testimony and afford the parties the right of cross-examination and should be adopted by the Commission.

IT IS THEREFORE ORDERED that the following portions of NSA's testimony shall be designated as confidential:

- A. Prepared testimony of Howard W. Pifer, beginning with Q27 on page 37 and continuing through A-29 on page 39;
- B. Prepared testimony of Kenneth T. Wise, beginning with Q12 on page 14 and continuing through A14 on page 17, the location of "NSA" on Exhibits KTW-5, KTW-6, and KTW-7, and the last paragraph of KTW-8, and

C. Prepared testimony of H. Gary Satterwhite, A19 on page 8 and 9 thereof.

IT IS FURTHER ORDERED that the confidential testimony, including any transcript of oral testimony relating thereto, shall be used by the parties only in connection with this proceeding, shall not be revealed by the parties to any other person or entity without the express written permission of NSA, and shall be kept under seal by the Commission.

IT IS FURTHER ORDERED that no person other than the members of the Commission, the Commission's staff, attorneys for the parties, Alcan's general counsel and Big Rivers' general manager, its vice general manager of finance and its manager of accounting shall be permitted to view the confidential testimony and all such persons are directed not to reveal the confidential testimony to their clients or any other persons without the express written permission of NSA.

IT IS FURTHER ORDERED that those portions of the hearing dealing with the confidential testimony shall be closed, with only those persons identified in the preceding paragraph allowed to be present.

IT IS FURTHER ORDERED that NSA shall revise the prefiled testimony of Messrs. Pifer, Wise and Satterwhite to eliminate the portions designated as confidential by this Order and shall serve said revised testimony on all parties not previously served with said testimony.

Done at Frankfort, Kentucky, this 11th day of March, 1985.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:

Secretary